

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JULY 12, 2021**

The meeting was called to order at 7:00 p.m., in City Hall Council Chambers by Mayor Mike Kuhle with the following Council Members present: Chad Cummings, Chris Kielblock, Alaina Kolpin, Amy Ernst. Larry Janssen (excused absence).

Staff present: Steve Robinson, City Administrator; Jason Brisson, Assistant City Administrator/Director of Economic Development; Matt Selof, City Planner; Mindy Eggers, City Clerk.

Others present: Ryan McGaughey, The Globe.

The Pledge of Allegiance was recited.

AGENDA APPROVED WITH ADDITIONS/CHANGES

Mayor Kuhle stated that there is an addition of *Item F 2. Approve Revised Position Guidelines for Building Official.*

A motion was made by Council Member Cummings seconded by Council Member Kolpin and unanimously carried to approve the agenda with the noted addition of *Item F 2. Approve Revised Position Guidelines for Building Official.*

PUBLIC HEARING AND RESOLUTION NO. 2021-07-42 ADOPTED APPROVING TAX ABATEMENT FOR A CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813

Pursuant to published notice this was the time and date for a public hearing on a Nobles Home Initiative application for tax abatement.

The motion was made by Council Member Kielblock, seconded by Council Member Ernst and unanimously carried to open the hearing.

Jason Brisson, Assistant City Administrator/Director of Economic Development, said a Nobles Home Initiative (NHI) application was submitted by Dan Krueger. The applicant is seeking approval of tax abatement for the construction of a two-family duplex located at 1356 and 1362 North Crailsheim Road. The duplex consists of two approximately 1,318 square foot units with approximately 632 square foot attached garages. The estimated value of the project is \$425,000, which would generate approximately \$4,524 in annual taxes utilizing the 2020 tax rate. The City's share would be approximately \$2,152.

Staff has reviewed the application and finds that it meets all the parameters of the NHI Guidelines. Mayor Kuhle asked if there was anyone who wished to present testimony. None was received.

The motion was made by Council Member Cummings, seconded by Council Member Kielblock and

unanimously carried to close the hearing.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adopt the following resolution approving the Nobles Home Initiative application for the two family duplexes located at 1356 and 1362 North Crailsheim Road.

RESOLUTION NO. 2021-07-42

A RESOLUTION APPROVING TAX ABATEMENT FOR A CERTAIN PROPERTY
PURSUANT TO MINN. STAT. 469.1813

(Refer to Resolution File for the complete copy of resolution)

CONSENT AGENDA APPROVED

A motion was made by Council Member Kielblock, seconded by Council Member Kolpin and unanimously carried to approve the consent agenda as presented.

- City Council Minutes of June 28, 2021
- Park & Recreation Advisory Board Minutes of June 23, 2021
- Convention & Visitors Bureau Minutes of May 26, 2021
- Water & Light Commission Minutes of July 6, 2021
- Application to Block Street(s) and a Portion of a Sidewalk - Worthington Area Chamber of Commerce - Crazy Days
- Application for Exemption from Lawful Gambling Permit - Frosty Riders, Inc.
- Bills payable and totaling \$4,187,758.85 be ordered paid

AWARD BID FOR MUNICIPAL WASTEWATER TREATMENT FACILITY IMPROVEMENTS

Scott Hain, Worthington Public Utilities General Manager, reported that bids were received for the municipal wastewater treatment facility improvements project on June 22, 2021.

Mr. Hain reported that at the regular Water & Light Commission meeting held on July 6, 2021, the Commission took action to award the bid to Gridor Construction, Inc. in the amount of \$26,205,800.00 which was the base bid amount less the bid alternate deduct item. The award was made contingent upon the following items:

- Formal concurrence of the bid award by the Worthington City Council
- Receipt of an acceptable final financing package from the Minnesota Public Facilities Authority (PFA)

Council Member Cummings asked if there was discussion about rebidding the project. Mr. Hain responded that it was discussed and it was the opinion of the engineer and staff that rebidding the project would not result in any significant cost savings. Mr. Cummings also asked if the interest rate would be locked in at the beginning or end of the project. Mr. Hain said that the interest rate will be detailed in the financial package that is offered by PFA and that once the agreement is signed the interest rate would be locked in.

Mayor Kuhle asked if it will be an entire new facility or an upgrade to the current facility. Mr. Hain said it would be a combination of both with renovation/reuse of some infrastructure and some entirely new infrastructure. Mr. Hain explained that treatment process is being changed from a trickling filter process to an activated sludge process.

Council Members asked the effect this large project would have on utility rates. Mr. Hain said rates would need to increase over time but, through the use of existing Wastewater Fund reserves, the increases would be gradual.

Following discussion, a motion was made by Council Member Ernst, seconded by Council Member Kolpin and unanimously carried to formally concur with the action taken by the Water & Light Commission on July 6, 2021, awarding the bid to Gridor Construction, Inc. in the amount of \$26,205,800.00.

APPROVED REVISED POSITION GUIDELINES FOR BUILDING OFFICIAL

Steve Robinson said the position guidelines for the City's Building Official were last updated in September 2001. He explained staff reviewed the guidelines and updated the Essential Duties and Responsibilities, Equipment and Job Requirements sections to reflect current duties and expectations.

The Building Official is classified in the Compensation Administration Guidelines as salary grade E-4 which has a control point wage of \$38.10/hour (\$79,248.00 annual). He said surveys performed by Administration indicate that the salary grade is within the City's guidelines for maintaining "market rate" compensation. The proposed revisions will not change the current salary grade.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the revised position guidelines for the Building Official.

RESOLUTION NO. 2021-07-43 DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF FEASIBILITY REPORT ON PROPOSED IMPROVEMENT

Steve Robinson, City Administrator said, the Economic Development Authority considered and declared the petition to be adequate for the improvement of 27th Street from 1300 feet to 2570 feet

west of Trunk Highway 59 by grading, base construction, and bituminous surfacing to provide contiguous hard surfacing for access to the Cemstone plant currently under construction. The petition represents more than 35% of the property abutting the improvement.

Mr. Robinson said the feasibility report will provide information on the scope of the improvement and any justified variations from city standards, estimated total cost of the improvement and assessments, and other project related particulars required to proceed toward a hearing on the proposed improvement.

Council Member Cummings said that he would like to amend the resolution to include both the concrete and bituminous as options. Mr. Robinson stated that the concrete option could be added.

A motion was made by Council Member Kielblock, seconded by Council Member Cummings, and unanimously carried to approve the following resolution adding the amended language to include both the cement and bituminous options.

RESOLUTION NO. 2021-07-43

A RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF FEASIBILITY REPORT ON PROPOSED IMPROVEMENT

(Refer to Resolution File for the complete copy of resolution)

FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "R-2" (ONE FAMILY, LOW DENSITY) TO "R-4" (MEDIUM DENSITY RESIDENTIAL DISTRICT

Matt Selof, City Planner, said the Worthington Housing and Redevelopment Authority has requested a change of zone for property owned by the City of Worthington located east of Grand Avenue directly north and south of Cecilee Street. If approved, the requested change of zone will change the property from its existing 'R-2' – One Family, Low Density designation to 'R-4' – Medium Density Residential. He explained Minnesota State Statute § 462.357 and Worthington City Code Section § 155.223 authorize the City's governing body to change the City's zoning district boundaries subject to the requirements established therein. The legal description of the subject property under consideration is as follows:

Lot 2, Block 2 and Lot 1, Block 3, Cecilee Addition, City of Worthington, Nobles County, Minnesota.

Mr. Selof said the Planning Commission considered the application at its July 6, 2021 meeting. After

holding a public hearing, the Commission voted unanimously to recommend the City Council approve the requested change of zone.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to give a first reading to the proposed ordinance.

FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - TEXT AMENDMENT

Mr. Selof said the City of Worthington is considering a text amendment to chapter 155: Appendix D: Table 4, Required Distance Buffering to remove an unenforced setback requirement. Stockpiles must be 200' from any property line except 50' from a street line according to the present ordinance. The current ordinance has not been enforced and no stockpiles in the city currently meet this requirement. A public hearing was held by the Planning Commission and the matter was discussed at their July 6, 2021 meeting. The Planning Commission voted unanimously to approve the proposed text amendment. Their recommendation was based on the following considerations:

1. After going through the process for a conditional use permit for a business that would operate stockpiles city staff found that the ordinance requiring setbacks for operation of any stockpile has not been enforced and that no existing stockpiles in the city meet this standard. An excerpt of City Code Chapter 155 Appendix D: Table 4. Required Distance Buffering is as follows:

APPENDIX D: TABLE 4. REQUIRED DISTANCE BUFFERING
(excerpt)

APPENDIX D: TABLE 4. REQUIRED DISTANCE BUFFERING
(excerpt)

USE	DISTANCE
Quarrying or operation of any stockpile	Minimum of 200' to any property line except minimum of 50' to street line

The proposed text amendment would remove this requirement from Chapter 155. Appendix D as shown below in red and crossed out:

Following discussion, the motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to give a first reading to the proposed ordinance.

CHARTER AMENDMENT RECOMMENDATION APPROVED (WORTHINGTON CHARTER COMMISSION)

Mr. Brisson explained due to the current procedural process required by the City's Charter and Ordinances, staff is unable to meet the State's 60-Day Requirement for some land use applications. Routinely staff needs to take 60-Day extensions for the applications. The City's legal counsel has advised that this may create legal liabilities for the City.

The Worthington Charter Commission met on Monday, June 28, 2021 to discuss the matter. After holding discussion, the Charter Commission voted unanimously to approve a resolution Requesting a Charter Amendment by Ordinance to Exempt Zoning Applications from Certain requirements of Charter Section 4.05. He said the proposed amendment would exempt zoning ordinances from the three-reading requirement of the Charter to enable City staff to comply with the requirements of Minnesota's 60-Day Rule for zoning applications.

Staff asked City Council to consider the Commission's recommendation. Pursuant to Minnesota Statute § 410.12, Subdivision 7, within one month of receiving a recommendation to amend the charter by ordinance, the City must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. A public hearing on the proposed charter amendment must be held at least two weeks but not more than one month after the notice is published. One month after the public hearing, the City Council must vote on the proposed charter amendment ordinance.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to have staff schedule a public hearing for August 9, 2021 and publish a notice of public hearing in the newspaper regarding the proposed Charter amendment.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - No report.

Council Member Cummings - he said the Beach Bash had another great event and he wanted to thank city staff with all of the help they provided. The International Festival was held this last weekend and it looked like they had a successful event as well. The Rock/Nobles Cattleman Beef Tour will be held tomorrow and there are 24 busses with people attending from all over the region. This event was last hosted in Worthington in 2011.

Council Member Janssen - No report.

Council Member Ernst - she said the well levels are below average, this is the first time since 2015, even though they are low, we are not close to a water emergency.

Council Member Kielblock - attended a Planning Commission meeting and they talked about public business signs on park property.

Council Member Kolpin - attended a Center for Active Living Committee meeting and welcomed Jill Cuperus as the new Director.

CITY ADMINISTRATOR REPORT

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Mr. Robinson said he will be attending the CGMC Summer Conference in two weeks. SEH will be in town to meet with staff to evaluate the bike trail system.

ADJOURNMENT

The motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to adjourn the meeting at 8:09 p.m.

Mindy L. Eggers, MCMC
City Clerk